

REFERENCE TITLE: tax refund checkoff boxes

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2126

Introduced by
Representatives Lesko, Ash, Chabin, Murphy: Burges, Court, Crump, Farley,
Hendrix, Pratt, Reagan, Stevens, Senator Harper

AN ACT

AMENDING SECTIONS 16-954, 43-613, 43-614, 43-615, 43-616 AND 43-618, ARIZONA
REVISED STATUTES; RELATING TO INDIVIDUAL INCOME TAX REFUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-954, Arizona Revised Statutes, is
4 amended to read:

5 16-954. Clean elections tax reduction: return of excess monies

6 A. For tax years beginning on or after January 1, 1998, a taxpayer who
7 files on a state income tax return form may designate a five-dollar voluntary
8 contribution per taxpayer to the fund by marking an optional ~~check-off~~
9 ~~CHECKOFF~~ box on ~~the first page of~~ the form. A taxpayer who checks this box
10 shall receive a five-dollar reduction in the amount of tax, and five dollars
11 from the amount of taxes paid shall be transferred by the department of
12 revenue to the fund. The department of revenue shall provide ~~check-off~~
13 ~~CHECKOFF~~ boxes, identified as the clean elections fund tax reduction, on ~~the~~
14 ~~first page of~~ income tax return forms,— for designations pursuant to this
15 subsection.

16 B. Any taxpayer may make a voluntary donation to the fund by
17 designating the fund on an income tax return form filed by the individual or
18 business entity or by making a payment directly to the fund. Any taxpayer
19 making a donation pursuant to this subsection shall receive a
20 dollar-for-dollar tax credit not to exceed twenty ~~percent~~ PER CENT of the tax
21 amount on the return or five hundred dollars per taxpayer, whichever is
22 higher. Donations made pursuant to this section are otherwise not tax
23 deductible and cannot be designated ~~as~~ for the benefit of a particular
24 candidate, political party,— or election contest. The department of revenue
25 shall transfer to the fund all donations made pursuant to this subsection.
26 The department of revenue shall provide a space, identified as the clean
27 elections fund tax credit, on ~~the first page of~~ income tax return forms,— for
28 donations pursuant to this subsection.

29 C. Beginning January 1, 1999, an additional surcharge of ten ~~percent~~
30 PER CENT shall be imposed on all civil and criminal fines and penalties
31 collected pursuant to section 12-116.01 and shall be deposited into the fund.

32 D. At least once per year, the commission shall project the amount of
33 monies that the fund will collect over the next four years and the time such
34 monies shall become available. Whenever the commission determines that the
35 fund contains more monies than the commission determines that it requires to
36 meet current debts plus expected expenses, under the assumption that expected
37 expenses will be at the expenditure limit in section 16-949, subsection A,
38 and taking into account the projections of collections, the commission shall
39 designate such monies as excess monies and so notify the state treasurer, who
40 shall thereupon return the excess monies to the general fund.

41 E. At least once per year, the commission shall project the amount of
42 citizen funding for which all candidates will have qualified pursuant to this
43 article for the following calendar year. By the end of each year, the
44 commission shall announce whether the amount that the commission plans to
45 spend the following year pursuant to section 16-949, subsection A exceeds the

1 projected amount of citizen funding. If the commission determines that the
2 fund contains insufficient monies or the spending cap would be exceeded were
3 all ~~candidate's~~ CANDIDATES' accounts to be fully funded, ~~then~~ the commission
4 may include in the announcement specifications for decreases in the following
5 parameters, based on the commission's projections of collections and expenses
6 for the fund, made in the following order:

7 1. ~~First,~~ The commission may announce a decrease in the matching cap
8 under section 16-952, subsection E from three times to an amount between
9 three and one times.

10 2. ~~Next,~~ The commission may announce that the fund will provide
11 equalization monies under section 16-952, subsections A and B as a fraction
12 of the amounts there specified.

13 3. ~~Finally,~~ The commission may announce that the fund will provide
14 monies under section 16-951 as a fraction of the amounts there specified.

15 F. If the commission cannot provide participating candidates with all
16 monies specified under sections 16-951 and 16-952, as decreased by any
17 announcement pursuant to subsection E of this section, ~~then~~ the commission
18 shall allocate any reductions in payments proportionately among candidates
19 entitled to monies and shall declare an emergency. Upon declaration of an
20 emergency, a participating candidate may accept private contributions to
21 bring the total monies received by the candidate from the fund and from such
22 private contributions up to the adjusted spending limits, as decreased by any
23 announcement made pursuant to subsection E of this section.

24 Sec. 2. Section 43-613, Arizona Revised Statutes, is amended to read:

25 43-613. Contribution to child abuse prevention fund

26 A. Unless not required pursuant to subsection B of this section, the
27 department shall provide a space on ~~the first page of~~ the individual income
28 tax return form in which the taxpayer may designate an amount of the
29 taxpayer's refund as a voluntary contribution to the child abuse prevention
30 fund established under section 8-550.01.

31 B. After subtracting any setoff for debts pursuant to section 42-1122
32 the department ~~OF REVENUE~~ shall subtract the designated amount from the
33 refund due the taxpayer and transfer it to the department of economic
34 security for credit to the fund. ~~The department shall determine the initial
35 administrative cost of this section and report the amount to the department
36 of economic security who shall transfer that amount from the fund to the
37 state general fund.~~ The department of economic security shall separately
38 account for the monies in the fund derived from contributions under this
39 section and notify the department ~~OF REVENUE~~ if such monies exceed ten
40 million dollars. If such monies do exceed ten million dollars on June 30,
41 this section does not apply and the department ~~OF REVENUE~~ shall not provide
42 the space otherwise required by this section on the tax return for that
43 taxable year.

1 C. The taxpayer may also donate any amount to the child abuse
2 prevention fund, in lieu of or in addition to the designated portion of the
3 income tax refund, by an appropriate indication on the return and by
4 including that amount with the return.

5 Sec. 3. Section 43-614, Arizona Revised Statutes, is amended to read:

6 43-614. Contribution of portion of refund to special olympics

7 A. The department shall provide a space on ~~the first page of~~ the
8 individual income tax return form in which the taxpayer may designate an
9 amount of the taxpayer's refund as a voluntary contribution to the special
10 olympics tax refund fund established pursuant to section 41-173.

11 B. After subtracting any setoff for debts pursuant to section 42-1122
12 the department **OF REVENUE** shall subtract the designated amount from the
13 refund due the taxpayer. The department **OF REVENUE** shall transfer the
14 designated amount to the department of economic security for credit to the
15 special olympics tax refund fund.

16 C. The taxpayer may also donate any amount to the special olympics tax
17 refund fund, in lieu of or in addition to the designated portion of the
18 income tax refund, by an appropriate indication on the return and by
19 including that amount with the return.

20 Sec. 4. Section 43-615, Arizona Revised Statutes, is amended to read:

21 43-615. Contribution to game, nongame, fish and endangered
22 species fund

23 A. The department shall provide a space on ~~the first page of~~ the
24 individual income tax return form in which the taxpayer may designate an
25 amount of the taxpayer's refund as a voluntary contribution to the game,
26 nongame, fish and endangered species fund established pursuant to section
27 17-268.

28 B. After subtracting any setoff for debts pursuant to section 42-1122,
29 the department shall subtract the designated amount from the refund due the
30 taxpayer and transfer it to the **ARIZONA GAME AND FISH** commission for deposit
31 in the fund. ~~The department shall determine the initial administrative cost~~
~~of this section and report the amount to the commission who shall transfer~~
~~that amount from the fund to the state general fund.~~

34 C. The taxpayer may also donate any amount to the game, nongame, fish
35 and endangered species fund, in lieu of or in addition to the designated
36 portion of the income tax refund, by an appropriate indication on the return
37 and by including such amount with the return.

38 Sec. 5. Section 43-616, Arizona Revised Statutes, is amended to read:

39 43-616. Contribution to neighbors helping neighbors fund

40 A. The department shall provide a space on ~~the first page of~~ the
41 individual income tax return form in which the taxpayer may designate an
42 amount of the taxpayer's refund as a voluntary contribution to the neighbors
43 helping neighbors fund established pursuant to section 46-741.

1 B. After subtracting any setoff for debts pursuant to section 42-1122,
2 the department **OF REVENUE** shall subtract the designated amount from the
3 refund due the taxpayer and transfer it to the department of economic
4 security for deposit in the fund. ~~The department shall determine the initial
5 administrative cost of this section and report the amount to the department
6 of economic security who shall transfer that amount from the fund to the
7 state general fund.~~

8 C. The taxpayer may also donate any amount to the fund, in lieu of or
9 in addition to the designated portion of the income tax refund, by an
10 appropriate indication on the return and by including that amount with the
11 return.

12 Sec. 6. Section 43-618, Arizona Revised Statutes, is amended to read:
13 43-618. Contribution to domestic violence shelter fund

14 A. The department shall provide a space on ~~the first page of~~ the
15 individual income tax return form in which the taxpayer may designate an
16 amount of the taxpayer's refund as a voluntary contribution to the domestic
17 violence shelter fund established pursuant to section 36-3002 ~~as amended by
Laws 1997, chapter 210.~~

18 B. After subtracting any setoff for debts pursuant to section 42-1122,
19 the department **OF REVENUE** shall subtract the designated amount from the
20 refund due the taxpayer and transfer it to the department of economic
21 security for deposit in the fund. ~~The department shall determine the initial
22 administrative cost of this section and report the amount to the department
23 of economic security who shall transfer that amount to the state general
24 fund.~~

25 C. The taxpayer may also donate any amount to the fund, in lieu of or
26 in addition to the designated portion of the tax refund, by an appropriate
27 indication on the return and by including that amount with the return.

28 Sec. 7. Requirements for enactment: three-fourths vote

29 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
30 section 16-954, Arizona Revised Statutes, as amended by this act, is
31 effective only on the affirmative vote of at least three-fourths of the
32 members of each house of the legislature.

33 Sec. 8. Effective date

34 This act is effective and applies with respect to income tax returns
35 for taxable years beginning from and after December 31, 2009.
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